

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re: FRED AND LINDA KOELLING,

Debtors/Appellants/
Cross-Appellees.

QMECT, INC.,

Debtor/Plaintiff,

No. C 06-7796 PJH

BK Case Nos. 04-46443 T
04-41044 T

Adv. Case Nos. 04-4190 AT
04-4365 AT
04-4366 AT

v.
BURLINGAME CAPITAL PARTNERS, II,
L.P.; ELECTROCHEM FUNDING, LLC,

Defendants/Appellees/
Cross-Appellants.

**BRIEFING ORDER RE: SECOND
MOTION TO DISMISS**

On August 8, 2007, appellees/cross-appellants' Burlingame Capital Partners II, L.P. and Electrochem Funding, LLC (collectively "Burlingame") filed a second motion to dismiss appellants/cross-appellees Linda and Fred Koelling's ("Koellings") bankruptcy appeal as untimely. The motion will be decided on the papers. The Koellings' opposition is due no later than **fourteen days** from the date of this order, August 23, 2007. Burlingame's reply,

1 if any, is due no later than **twenty-one days** from the date of this order, August 30, 2007.
2 Given the numerous delays in this case to date, the parties are advised that no
3 continuances of this briefing schedule will be granted. In the opposition and reply briefs,
4 the parties should address the timeliness of Burlingame's subsequent motion to dismiss in
5 addition to the merits of the motion.

6 Additionally, the parties are further advised that the filing of this motion will have no
7 impact on the briefing schedule of the cross-appeals as set forth in this court's July 10,
8 2007 order denying Burlingame's first motion to dismiss. The briefs on the merits of the
9 cross-appeals remain due in accordance with the deadlines set by that order, and no
10 continuances will be granted.

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12 **IT IS SO ORDERED.**

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14 Dated: August 9, 2007



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17 PHYLLIS J. HAMILTON
United States District Judge